

Notice of Allowability

Application No.

10/527,655

Examiner

Humera N. Sheikh

Applicant(s)

MINER ET AL.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to paper filed 06 August 2007.
2. ☒ The allowed claim(s) is/are 6-8 and 14-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/26/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


HUMERA N. SHEIKH
PRIMARY EXAMINER

DETAILED ACTION

Status of the Application

Receipt of the Response after Non-Final Office Action, the Amendment and Applicant's Arguments, all filed 08/06/07 is acknowledged.

Claims 1-20 are pending in this action. Claims 4 and 12 have been amended by Applicant's amendment (filed 08/06/07). Claims 6 and 14 have been amended by an Examiner's Amendment and claims 1-5 and 9-13 have been cancelled herein by an Examiner's Amendment. Claims 6-8 and 14-20 are being examined in this action. Claims 6-8 and 14-20 are allowed.

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Brian C. Kunzler on 25 & 26 September 2007.

The application has been amended as follows:

In the Claims:

In claim 6, line 9, before the term "silver", the term --**chelated**-- has been **added**.

In claim 14, last line (line 7), after the term "solution", the limitation --**comprising about 0.01-0.03% chelated silver ion, about 0.005-0.015% EDTA, about 0.005-0.015% sodium polypectate, and about 5.5-11.5% glycerine**-- has been added.

Claims 1-5 and 9-13 have been cancelled.

* * * * *

Allowable Subject Matter

Claims 6-8 and 14-20 are allowed.

The following is an examiner's statement of reasons for allowance:

The primary reasons for allowance are that the prior art does not disclose nor fairly suggest or teach a liquid antiseptic and cleanser comprising a combination of the instantly claimed components (*i.e.*, surfactant, glycerine, chelated silver ion, EDTA, etc.) in the specific amounts/ranges instantly recited. The prior art further fails to disclose or teach a method for preparing a liquid antiseptic comprising the instantly claimed process steps, which yield a chelated silver solution, nor does the prior art disclose or teach a method of preparing as claimed having the specific amounts/ranges of chelated silver ion, EDTA, sodium polypectate and glycerine.

The instant invention demonstrates an improvement over prior art formulations in that it provides for long-term stability and extended antimicrobial effectiveness, due in part by the strong chelation bonding of silver ions.

In a telephonic interview held on 09/25/07 and 09/26/07 between Applicant's representative (Brian C. Kunzler) and the Examiner of record (H. Sheikh), proposed suggestions were made by the Examiner, which would place the application in condition for allowance. The Examiner proposed the following: (1) To incorporate the term "chelated" before the term 'silver ion' in independent claim 6, line 9 (to recite chelated silver ion); (2) To incorporate the percentage amounts of chelated silver ion, EDTA, sodium polypectate and glycerine from independent claim 6 into independent method claim 14; and (3) To cancel claims 1-5 and 9-13, which Examiner indicated as being unpatentable. Applicant's representative agreed and accepted the proposed claim amendments made by the Examiner, thus making the application in condition for allowance. Hence, in view of the lack of teachings of the prior art of record and the improvements instantly demonstrated herein, the instant application is rendered non-obvious and *patentable* over the cited art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Humera N. Sheikh whose telephone number is (571) 272-0604. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday during regular business hours. (Wednesdays - Telework).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Humera N. Sheikh
Primary Examiner



HUMERAN SHEIKH
PRIMARY EXAMINER

Art Unit 1615

September 26, 2007

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